

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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FREEDOM MORTGAGE CORP.,

Plaintiffs,

v.

TROVARE HOMEOWNERS  
ASSOCIATION ET AL,

Defendant.

Case No. 2:11-CV-1403-MMD-GWF

JUDGE MIRANDA M. DU'S  
ORDER REGARDING TRIAL  
IN CIVIL CASES

1. This case is scheduled for trial before the Honorable Miranda M. Du, United States District Judge, at Las Vegas, Nevada, on the trial stack commencing on **TUESDAY, the 11th day of February, 2014, at 9:00 a.m.** This is a **two-week** stack.

2. Motions in limine must be fully briefed and submitted for decision no later than 60 days before trial. Motions filed after this established deadline will be automatically denied.

3. Counsel for all parties and all pro se parties shall appear by telephonic conference call on Tuesday one week before trial for Calendar Call. Unless a party is appearing pro se, the individual parties will not be required to appear for Calendar Call unless the Court directs otherwise.

1           4. Counsel or their clients will be excused from Calendar Call if, prior to the  
2 scheduled calendar call, settlement papers have been filed in a civil case.

3           5. At the Calendar Call, all cases that remain to be tried will be ranked in  
4 order of trial with criminal cases taking priority over civil cases. Thereafter, the Court will  
5 not grant a continuance to any party absent a showing of good cause. Unless the Court  
6 otherwise directs, the cases will be tried one after the other on **TWENTY-FOUR (24)**  
7 **HOURS' NOTICE** from the Clerk.

8           6. STATUS HEARINGS. The Court may conduct a status conference prior to  
9 the scheduled Calendar Call. Any party who wishes to request a pretrial status  
10 conference should notify the Courtroom Administrator no later than two weeks before  
11 Calendar Call. If the Court is satisfied during the status conference that the case is  
12 ready for trial, the Court may vacate the Calendar Call.

13           7. WITNESSES. Counsel shall immediately subpoena all witnesses for the  
14 time and trial date as listed above. Inasmuch as the cases will be tried in a trailing  
15 fashion, the subpoenas should contain a special instruction from counsel directing  
16 witnesses to contact the office of counsel for further instructions prior to appearing for  
17 trial. Witnesses are not required to be present at the Calendar Call, but must appear as  
18 subpoenaed. Counsel and parties appearing pro se must file their witness list **one week**  
19 before trial.

20           8. EXHIBITS. **One week** before trial, counsel and parties appearing pro se  
21 shall electronically file their complete exhibit list of all exhibits that are intended to be  
22 used during the trial. At the same time, counsel shall serve upon opposing counsel a  
23 copy of the same. Plaintiffs shall use numerals 1 through 499 and defendants shall use  
24 numerals 500 through 999. The exhibits are to be listed on a form provided by the  
25 Clerk's Office, and may be computer-generated if they conform to the requirements of  
26 the form that is provided by the Clerk. Counsel shall retain possession of their exhibits  
27 until such time as they are identified in open court; thereafter, the exhibits shall remain in  
28 the custody of the Clerk unless otherwise ordered. In any case which involves fifteen

(15) or more document exhibits, the pre-marked exhibits shall be placed in a loose-leaf binder behind a tab noting the number of each exhibit and each exhibit shall be pre-marked with an exhibit sticker. The binder shall be clearly marked on the front and side with the case caption and number and the sequence of exhibits. If oversized binders are used, the holes in the documents shall be large-sized so that the pages may be easily turned. **Five (5) calendar days** before trial, counsel shall provide the Courtroom Administrator with the binder containing the exhibits and a courtesy set for the trial judge.

9. MARKING EXHIBITS. During preparations for trial, counsel for all parties shall meet, confer, pre-mark and exchange all trial exhibits. At least **five (5) calendar days** before trial, counsel in civil cases shall notify Judge Du's Courtroom Administrator that the exhibits have been pre-marked.

10. EVIDENCE DISPLAY EQUIPMENT. Counsel wishing to utilize the Court's evidence display equipment must make contact with the Courtroom Administrator to determine its availability and to arrange for training. Counsel wishing to utilize their own display equipment must contact the Courtroom Administrator to arrange a time and date to set up the equipment prior to the trial.

11. JURY INSTRUCTIONS. Counsel are to comply with the Joint Pretrial Order. **One week** before trial, counsel are to file with the Clerk's Office the original set of mutually acceptable jury instructions, a set of disputed instructions and the verdict forms. At the same time, the parties shall provide a copy of the same in MS Word format to chambers by email to the Courtroom Administrator at [Peggie\\_Vannozzi@nvd.uscourts.gov](mailto:Peggie_Vannozzi@nvd.uscourts.gov). The set of disputed jury instructions must include the authority and argument for each instruction. Any modifications of instructions from statutory authority, the Ninth Circuit Manual of Model Jury Instructions, or any other model instructions, must specifically state the modification made to the original source and the authority and argument supporting the modification.

12. SUGGESTED VOIR DIRE QUESTIONS. **One week** before trial, counsel or parties appearing pro se shall file with the Clerk of the Court all suggested voir dire questions to be asked of the jury panel by the Court. At the same time, the parties shall  
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provide a copy of the same in MS Word format to chambers by email to the Courtroom Administrator at Peggie\_Vannozzi@nvd.uscourts.gov.

13. STATEMENT OF THE CASE. **One week** before trial, counsel or parties appearing pro se shall file with the Clerk of the Court a brief **joint** statement of the case, no longer than one-half page, stating the nature of the claims and defenses, to be read to prospective jurors at the time of jury selection. At the same time, the parties shall provide a copy of the same in MS Word format to chambers by email to the Courtroom Administrator at Peggie\_Vannozzi@nvd.uscourts.gov. If the parties cannot agree on a joint statement, they must file a separate statement of the case with an explanation as to the areas of disagreement.

14. TRIAL BRIEFS IN CIVIL CASES. Trials briefs shall be filed **one week** before trial.

15. TRIAL SCHEDULE. Trial will generally begin at 9:00 a.m. and end at 4:30 p.m. Tuesday through Friday. However, parties should plan to be available between 8:30 and 9:00 a.m. and after 4:30 p.m. each day of trial to address matters outside the presence of the jury. This standard trial schedule may be modified for good cause, however requests should be submitted at Calendar Call or before the written trial schedule is issued to jurors.

16. TRIAL JUDGE. Although the cases that are listed on the attached trial calendar are assigned to Judge Du, the cases may proceed to trial before another Nevada district judge or a visiting district judge.

17. CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE. Counsel and parties in civil actions are reminded of their right to consent to disposition before a United States Magistrate Judge pursuant to Title 28, Section 636(c)(2) of the United

1 States Code. The right to proceed before a Magistrate Judge in a civil case includes  
2 those cases that will be tried before a jury as well as those cases to be tried before the  
3 Court sitting without a jury. Any appeal from a judgment in a proceeding before a  
4 Magistrate Judge shall be taken directly to the United States Court of Appeals. The  
5 option to proceed before a Magistrate Judge is available to the parties at the time an  
6 action is commenced. The Court may refuse to approve a consent if it appears to be  
7 motivated by an effort to delay the proceeding.

8 18. SANCTIONS. As provided for under the Local Rules of Practice of this  
9 court, the Court will consider the imposition of sanctions against any attorney who: (1)  
10 fails to timely file trial briefs, suggested voir dire questions and proposed jury instructions  
11 or proposed findings of fact and conclusions of law, whichever is applicable, as  
12 prescribed by the Pretrial Order, Order Regarding Pretrial Procedure, Scheduling Order  
13 or any order extending the time for such filings; (2) fails to comply with the provision of  
14 this order including, but not limited to, the failure to appear for calendar call without first  
15 having been excused by the Court or the clerk with the permission of the Court; or (3)  
16 fails to timely comply with any other order that schedules deadlines for trial preparation.

17 19. CONTACT PERSON. All questions and information regarding the trial  
18 calendar are to be directed to PEGGIE VANNOZZI, Courtroom Administrator.

19 20. The **date** of the Clerk's File Mark shall constitute the date of this order.

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21 **IT IS SO ORDERED.**

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23 /s/ MIRANDA DU  
24 **UNITED STATES DISTRICT JUDGE**  
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